

REMARKS/ARGUMENTS

Claims 1-15 are now active in this application.

The indication that claims 2, 7 and 13 are objected to, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 3, 5, 6, 8, 10-12 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tamura et al. (USPN 6,806,978) and Tanaka et al. (USPN 6,577,338).

The Examiner provides an explanation as to how Tamura et al. meets the terms of claims 1, 3, 5, 6, 8, 10, 12 and 14, and how Tanaka et al. meets the terms of dependent claim 11. Consequently, it must be presumed that the Examiner intended that claims 1, 3, 5, 6, 8, 10, 12 and 14 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tamura et al. (USPN 6,806,978) and claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamura et al. in view of Tanaka et al. (USPN 6,577,338).

Claims 4, 9 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tamura et al. in view of Machida (USPN 5,559,932).

The rejections are respectfully traversed.

The factual determination of lack of novelty under 35 U.S.C. § 102 requires the identical disclosure in a single reference of each element of a claimed invention such that the identically claimed invention is placed into possession of one having ordinary skill in the art. *Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F.3d 1339, 200 U.S. App. LEXIS 6300, 54 USPQ2d 1299 (Fed. Cir. 2000);

Electro Medical Systems S.A. v. Cooper Life Sciences, Inc., 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

There is/are a significant difference between the claimed invention and the apparatus disclosed by Tamura et al. that scotches the factual determination that Tamura et al. identically describes the claimed inventions within.

Tamura et al. discloses an image capturing apparatus and printing apparatus which can communicate and lock each other. In Tamura et al., when the lock is released, communication between the image capturing apparatus and the printing apparatus will interrupt because the signal has a possibility that an error is caused (column 23, lines 33-47). Thus, in Tamura et al., release is actable and communication has interrupted.

In contrast, in the claimed invention (claims 1, 6 and 12), when the lock is tried to be released, the lock release between the image capturing apparatus and the printing apparatus will not occur because communication is active (a lock controller that maintains the lock secured by the lock mechanism at least while communication regarding printing is being carried out with the printer). Thus, in the claimed invention, release is impossible and communication has continued.

The above argued difference between the claimed apparatus vis-à-vis the apparatus of Tamura et al. undermines the factual determination that Tamura et al. identically describes the claimed inventions within the meaning of 35 U.S.C. § 102. *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics Inc.*, 976 F.2d 1559, 24 USPQ2d 1321 (Fed. Cir. 1992); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986).

Applicant, therefore, submits that the imposed rejection of claims 1, 3, 5, 6, 8, 10, 12 and 14 under 35 U.S.C. § 102 for lack of novelty as evidenced by Tamura et al. is not factually or

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legally viable. Hence, withdrawal of the rejection as well as allowance of claims 1, 3, 5, 6, 8, 10, 12 and 14 is respectfully solicited.

As independent claims 1, 6 and 12 are patentable over Tamura et al., claim 4 depending from claim 1, claims 9 and 11 depending from claim 6, and claim 15 depending from claim 12 are patentable over Tamura et al. also, even when considered in view of Tanaka et al. or Machida.

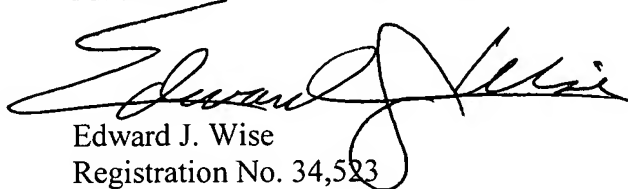
CONCLUSION

Accordingly, it is urged that the application is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Edward J. Wise
Registration No. 34,523

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 EJW:cac
Facsimile: 202.756.8087
Date: **January 23, 2006**

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as our correspondence address.**